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flow from [a] said backwash water inlet, said underdrain assembly comprising a plurality of panel members forming a grid like underdrain, each panel member having a plurality of apertures, the number or cross-sectional area of said apertures varying between said panel members, said panel members located further away from said backwash water inlet having a lesser number or smaller cross-sectional area of said apertures relative to said panel members located closer to said backwash water inlet, said panel members being operable to substantially equalize water flow from each of said panel members of said filter underdrain assembly.

Clean copy of the pages on which the amended claims appear is appended to today's paper.

#### REMARKS

Claims 1, 6, 7, 18 and 26 have been amended to deal with the Examiner's objections for indefiniteness under 35 U.S.C. 112, second paragraph. Claims 1-39 remain in this application and stand for examination although claims 8-17, 22-25 and 27-39 have been withdrawn from consideration. Reconsideration and reexamination are requested in view of the foregoing amendments and the comments made hereinafter.

#### Rejection of claims 1-7, 18-21 and 26 for indefiniteness

The Examiner rejects claims 1-7, 18-21 and 26 for indefiniteness under 35 U.S.C. 112, second paragraph. Specifically, the Examiner points to the indefinite recital of the "backwash inlet" in the aforementioned claims, the indefinite recital of the "hat section" in claims 6 and 7 and the indefinite recital of the "slotted apertures" in claim 18.

Claims 1, 6, 7, 18 and 26 have been duly amended in view of the Examiner's rejections for indefiniteness and it is anticipated that such amendments should overcome the Examiner's objections in this regard. Reconsideration is requested.

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Rejection of claims 1-7, 18-21 and 26 for obviousness

The Examiner rejects claims 1-7, 18-21 and 26 for obviousness under 35 U.S.C. 103(a) over Medworth United States Patent 5,976,370 in view of Shea et al United States Patent 5,865,999.

The Medworth and Shea et al teachings do not describe or suggest the present invention. Medworth does teach an underdrain assembly comprising perforated plates which are spaced apart a certain distance which distance is taught to be less than the minimum size of the media particles thereby to prevent the media particles from entering the drain system and to retain them in the filter compartment 12 (Figure 3). Medworth does not teach a plurality of panel members in the same plane. He apparently teaches only a pair of panel members 24, 26 and these panel members are separated by the certain distance just described. Medworth likewise does not teach varying cross-sectional area of the orifices in his panel members. The cross sectional area of his orifices does not change within the panel members and he does not address a principal problem sought to be remedied by the present invention, namely the problem of "jetting" created by discontinuities in water flow from the orifices through the media due to higher and lower water velocities past the orifices as the distance from the backwash water inlet increases.

Nor do Shea et al assist Medworth in reaching the teachings of the present invention. It is quite true, as the Examiner states, that Shea et al teach an underdrain assembly but such underdrain assembly is not composed of panel members but, rather, of V-shaped arches which are similar to the subject matter in the claims presently withdrawn from consideration in this application.

Shea et al do indeed also teach openings of "different cross-sectional area" and "slotted openings" as the Examiner states but these openings are not all for water and are not suggested to be useful in panel members. Rather, Shea et al's apertures 48a are air apertures and apertures 54a are water

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apertures. That is, air passes from plenum 46a through passages 48a (Figures 1 and 2) and water passes from plenum 52a through apertures 54a. There is no teaching that these apertures change in area from the distance of the backwash water inlet as do the apertures according to the present invention as set forth in the claims under consideration.

Applicant has reviewed the claims with a view to making it more clear that the cross-section of the apertures varies as the distance from the backwater inlet increases but it is submitted that the claims as they presently stand clearly and patentably distinguish over the references of record taken singly or in combination. The reconsideration of the Examiner is requested in this connection.

The Emrie reference is noted.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objections and rejections are requested and allowance of claims 1-7, 18-21 and 26 is solicited.

Respectfully submitted,

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